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Attorneys for Plaintiffs

(additional counsel listed on signature page)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

ASHTON WOODS HOLDINGS, L.L.C.;
BEAZER HOMES HOLDINGS CORP.;
CALATLANTIC GROUP, INC.; D.R. HORTON
LOS ANGELES HOLDING COMPANY, INC.;
HOVNANIAN ENTERPRISES, INC.; KB
HOME; MERITAGE HOMES CORPORATION;
M/I HOMES, INC.; PULTE HOME
CORPORATION; THE DREES COMPANY;
TOLL BROTHERS, INC.; TRI POINTE
HOMES, INC.,

Plaintiffs,

v.

USG CORPORATION; UNITED STATES
GYPSUM COMPANY; L&W SUPPLY
CORPORATION; NEW NGC, INC.; LAFARGE
NORTH AMERICA, INC.; CONTINENTAL
BUILDING PRODUCTS, INC.; CERTAINTEED
GYPSUM, INC.; AMERICAN GYPSUM
COMPANY LLC; TIN, INC., d/b/a TEMPLE-
INLAND, INC.; PABCO BUILDING
PRODUCTS, LLC.,

Defendants.

CASE NO. 4:15-cv-01247-HSG

**JOINT STIPULATION AND
ORDER RE: VARIOUS
PRETRIAL MATTERS**

STIPULATION AND ORDER

Pursuant to Civil Local Rules 6-2 and 7-12, Plaintiffs and Defendants in the above-captioned matter (collectively, the “Parties”) file this joint stipulation requesting that the Court issue an order to clarify and/or modify the Parties’ pretrial deadlines with respect to the exchange of exhibits as described below.

The Parties accordingly stipulate as follows:

WHEREAS, the Court’s Civil Pretrial and Trial Standing Order (the “Standing Order”) provides certain deadlines;

WHEREAS, the Parties believe it will be beneficial to exchange electronically-stickered exhibits after exchanging exhibit lists to allow for the orderly and efficient stickered of exhibits so as to, *inter alia*, avoid duplicate exhibits;

WHEREAS, the Parties believe it would assist in planning and the orderly progression of trial preparation to have clarity on the timing and protocol for exchange of demonstratives (e.g., graphics, charts, diagrams, illustrative animations, models, etc.) and summary exhibits governed by Federal Rule of Evidence 1006;

WHEREAS, the Parties believe it would assist in the orderly progression of trial preparation to have additional time to prepare summary exhibits governed by Federal Rule of Evidence 1006 after the parties have met and conferred on the admissibility of underlying exhibits;

NOW, THEREFORE, the Parties hereby stipulate and agree to the following:

- The Parties shall exchange electronically-stickered exhibits on April 12, 2021 (*i.e.*, six days after the exchange of exhibit lists pursuant to the Court’s Standing Order).
- Demonstratives (e.g., graphics, charts, diagrams, illustrative animations, models, etc.) and summary exhibits governed by Federal Rule of Evidence 1006 (summaries, charts, or calculations used to prove the content of voluminous writings, records, or photographs that cannot be conveniently examined in court) need not be disclosed with evidentiary exhibits pursuant to paragraph 3 of the Court’s Standing Order.
- Instead, the Parties shall exchange Rule 1006 summary exhibits no later than May 3, 2021, and the Parties shall raise any objections to Rule 1006 summary exhibits no later

1 than May 11, 2021. The Parties shall exchange demonstratives at trial pursuant to a
2 protocol to be agreed upon by the Parties before the pre-trial conference on May 4,
3 2021.

4 **IT IS SO STIPULATED.**

5
6 DATED: March 30, 2021

Respectfully submitted,

7 /s/ Adam B. Wolfson *

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Attorneys for Plaintiffs

26 _____
27 * Attestation: I, Adam B. Wolfson, hereby attest that I have obtained concurrence in the
28 filing of this document from each of the attorneys identified on the caption page and in the
signature blocks of this stipulation and the attached declaration.

1 /s/ Judith A. Zahid

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Counsel for Defendant L&W Supply
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21 **PURSUANT TO THE PARTIES' STIPULATION,**

22 **IT IS SO ORDERED.**

23 Date: 3/31/2021

24 
25 Hon. Haywood S. Gilliam, Jr.
26 United States District Judge
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